

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No. _____

IN THE MATTER OF THE APPLICATION OF
ROSA CAROLINA GERMANO DOS SANTOS ET AL. FOR
AN ORDER UNDER 28 U.S.C. § 1782 TO TAKE DISCOVERY
FROM BAYER HEALTHCARE PHARMACEUTICALS INC.
AND BAYER HEALTHCARE, LLC

**APPLICATION OF ROSA CAROLINA GERMANO DOS SANTOS
ET AL. FOR AN ORDER UNDER 28 U.S.C § 1782 TO TAKE
DISCOVERY FROM BAYER HEALTHCARE
PHARMACEUTICALS, INC. AND BAYER HEALTHCARE, LLC**

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Attorneys for Applicants

Claimants respectfully apply to this Court, based on the accompanying Memorandum of Law, Declaration of Pedro Martins, Declaration of Jan Erik Spangenberg and their accompanying exhibits for an order pursuant to 28 U.S.C. § 1782 (“Section 1782”) authorizing Applicants to take discovery from Bayer Healthcare Pharmaceuticals, Inc. and Bayer Healthcare, LLC for use in proceedings to be initiated before the Regional Court (*Landgericht*) of Cologne in Germany.

The application meets the three statutory requirements set forth in Section 1782. *First*, the respondents from whom discovery is sought is, Bayer Healthcare Pharmaceuticals, Inc. and Bayer Healthcare, LLC, are found within the District of New Jersey. *Second*, the documents, information and depositions requested are “for use” in the German proceedings. *Third*, as plaintiffs in the German proceedings, Applicants qualify as “interested parties” under Section 1782.


Further, the four discretionary factors set out by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-265 (2004), weigh in favor of granting the application. *First*, the parties from whom discovery is sought, Bayer Healthcare Pharmaceuticals, Inc. and Bayer Healthcare, LLC, are outside the jurisdiction of the German Court and will not be parties to the upcoming German Litigation. *Second*, the foreign court would be receptive to U.S. federal court judicial assistance. *Third*, Applicants seek this discovery in good faith and not in an attempt to circumvent German proof-gathering restrictions. *Finally*, the discovery requests are narrowly tailored and not unduly intrusive or burdensome.

Accordingly, and for the reasons set forth in the accompanying Memorandum of Law, Applicants respectfully request that the Court grant them authority to serve Bayer Healthcare

Pharmaceuticals, Inc. and Bayer Healthcare, LLC with subpoenas in the forms attached as Exhibits 15, 16, 17 and 18, respectively, to the Declaration of Pedro Martins filed contemporaneously herewith.

Dated: March 21, 2022

Respectfully submitted,
PGMBM, LLC
By: Harris Pogust

A handwritten signature in black ink, appearing to read 'Harris Pogust', with a long horizontal line extending to the right.

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